

TTAB

Attorney Docket: 07133.8050



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



07-25-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #26

1-800-PLUMBER, INC.,

Petitioner,

v.

BETH ELLEN CLINE,

Registrant.

Cancellation No. 27,133 and 27,054

TRADEMARK TRIAL AND
APPEAL BOARD

02 JUL 26 AM 8:33

ASSISTANT COMMISSIONER FOR TRADEMARKS

2900 Crystal Drive

Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

STIPULATED REQUEST TO EXTEND DISCOVERY UNDER RULE 56(f)
AND TO RESPOND TO SUMMARY JUDGMENT MOTION

The parties hereby request that the deadline for Registrant, Beth Cline, to complete the Board-ordered 56(f) discovery and for Petitioner 1-800-Plumber, Inc. to respond to Registrant's summary judgment motion be extended for an additional 45 days to and including **September 11, 2002**.

As explained in the previous extension request filed in this proceeding, Ms. Cline passed away. We understand from Ms. Cline's counsel, Victor Serby, that her estate has requested to be substituted in this proceeding pursuant to the Suggestion of Death Upon the Record filed with the Board on May 28, 2002.

To allow additional time for the Estate of Beth Cline to locate the documents and sufficient time for Petitioner to prepare its response to Ms. Cline's summary judgment motion upon receiving the documents, and for the parties to possibly explore settlement,

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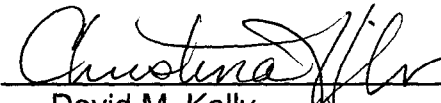
the parties have stipulated to the further forty-five (45) day extension of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133. Victor Serby, counsel for the late Ms. Cline and the Estate of Beth Cline, consented to the forty-five day extension of time during a July 23, 2002 telephone conference with the undersigned counsel for Petitioner.

This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: July 25, 2002

By: 
David M. Kelly
Christina J. Hieber
Attorneys for Petitioner

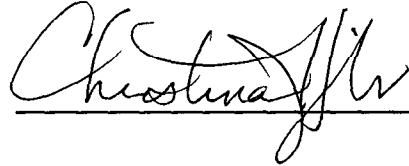
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO
EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY
JUDGMENT MOTION was served on July 25, 2002 by first class mail, postage prepaid,
on the following attorney for Registrant:

Victor M. Serby, Esq.
350 Fifth Avenue – Suite 6307
Empire State Building
New York, New York 10118



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